

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32290 of 2024

Arising Out of PS. Case No.-502 Year-2023 Thana- RAMNAGAR District- West Champaran

1. GOPAL GIRI SON OF LATE ANRIRUDH GIRI RESIDENT OF VILLAGE - HARPUR MEGHWAL MATHIYA, P.S. - RAM NAGAR, DISTRICT - WEST CHAMPARAN, THE ERSTWHILE CHAIRMAN, SOHASA PACS, BLOCK RAMNAGAR
2. SHANKAR MANI SHARMA SON OF LATE RADHE SHARMA RESIDENT OF VILLAGE - DHOKRAHA, P.S. - RAMNAGAR, SOHASA PACS, THE EARSTWHILE MANAGER, SOHASA PACS, BLOCK - RAMNAGAR

... .. Petitioners.

Versus

THE STATE OF BIHAR .

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

14 02-07-2025 Heard Mr. Rakesh Kumar Jha, learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 419, 420. 406, 409 and 120/34 of the Indian Penal Code.

3. The allegation in the first information report is that the petitioners, who are the then Chairman of the PACS and then Manager respectively, have misappropriated and defalcated the amount to the tune of Rs.70 lakhs, which were collected by them from the depositors under the Jama Bridhi Scheme and out of the total amount of Rs.94 lakhs, it has been stated that an



amount of Rs.24 lakhs have been given to 76 farmers under Kisan Credit Card facility.

4. It is submitted by learned counsel for the petitioners that petitioner no.1 was the Chairman of Sosha PACS till 2019 when the term of the Board expired and, thereafter, the Board of the PACS superseded as election could not be conducted in due time. The petitioner no.1 handed over the charge of records as well as assets of the PACS to the incumbent Chairman and the Manager on 10.09.2002. Petitioner no.2 was the Cader Manager, who retired on 30.11.2016. It is further submitted that, as a matter of fact, there is no defalcation of money as the amount collected from the depositors under the said scheme had been deposited into various business affairs by the approval of the Board. Petitioners have brought on record the documents of approval etc by way of Annexure-3 series. Annexure-3/2 is a case which was filed by petitioner no.1 before the Registrar Co-operative Societies. It is further submitted that both the petitioners are old and ailing persons. Petitioner no.1 is aged about 73 years and petitioner no.2 is 65 years old. It is also pointed out that petitioner no.1 has suffered a paralytic attack. It is further pointed out that the petitioners would neither evade nor abscond from the process of law and willfully cooperate in the investigation and, subsequently, in



the trial. It is further submitted that the petitioners had been granted the privilege of no coercive steps for a long time and during the said period they have never misused the said privilege.

5. Learned APP for the State opposed the prayer for anticipatory bail on the ground that huge loss has been caused to the government exchequer due to the present petitioners as they were holding responsible post of Chairman and the Manager. A supplementary counter affidavit has also been filed on behalf of the District Cooperative Officer and the learned APP invites the attention of this Court to para-4 and 5 of the said affidavit stating that the amount collected during the tenure of the petitioners has not been distributed or refunded to anyone and the audit report also demonstrates that the said amount has been misappropriated. Learned APP draws attention of this Court to Annexure-F to his affidavit, which is memo no.3601 dated 24.04.2025, issued as per the guidelines of the Reserve Bank of India, enumerating the facts that the PACS has power to distribute 70% of the assests after getting permission from the District Cooperative Bank. However, learned counsel for the petitioners submits that the said letter is of the year 2025. Petitioners have no criminal antecedent.

6. Taking into consideration the rival contentions made by the



parties, facts and circumstances of the case as also considering the fact that the petitioners are old and ailing persons and hence, there is no flight risk as well as the fact that the entire case is based on documents, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Ram Nagar P.S. Case No.502 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to further condition that the petitioners would cooperate with the investigating agency and in case there is any material to show that the petitioner are not cooperating in the process of investigation, the learned Court below would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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